

1 CAITLIN H. RAILO

2 Q. Tell me what is not accurate then
3 as far as what boxes are checked off.

4 A. Well, I'm on high blood pressure
5 medication and it looks like it's almost checked
6 for no for high blood pressure.

7 Q. Well, it is. There is a mark there
8 for no, so that's not --

9 A. Why? Yes, that doesn't make any
10 sense.

11 Q. Okay. What about --

12 A. The head -- well, it's not really--
13 at that time it wasn't really brain, but the
14 head injury, disorder or illness would have to
15 go to yes.

16 Q. And wouldn't the one underneath
17 that, seizures, epilepsy?

18 A. Yeah, but the doctor then didn't
19 really -- I stopped taking my seizure
20 medication. Like I said, the last couple of
21 seizures have only been from drug induced, so I
22 wouldn't check just seizures.

23 Q. Do you recall telling any medical
24 health care provider that may have been hired by
25 Quality Bus that you had suffered from seizures

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in the past?

A. No. Before that I hadn't had seizures for years. Doctor took me off the seizure medication and I haven't had any.

Q. Is that why you believe that's checked no?

A. Absolutely.

Q. And then "Any illness or injury in the last five years" is checked yes; correct?

A. Yes.

Q. And what illness or injury in the last five years is being referred to there, do you know?

A. Surgeries.

Q. Would that be the surgeries related to your cancer?

A. Yes.

Q. Anything else that that could be referring to?

A. No.

Q. And what about the last box on the third column to the right, "Narcotics or habit-forming drug use"? Do you see that?

A. Um-hum.

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Q. Yes?

A. Yes. Sorry.

Q. And that box is checked no?

A. No. Yes, I talked -- I talked to -- I talked to her about it, with the lady from Partners in Safety. It's supposed to be within the last five years. Within the last five years, I did not.

Q. Who told you that they were referring to narcotics or habit-forming drug use only in the past five years?

A. Apparently most of this stuff had been within the past five years.

Q. That wasn't my question. Did someone from Partners in Safety tell you that they were only interested in obtaining information related to your health history for the past five years?

A. Yes, the lady that gave me the physical.

Q. You recall her telling you that?

A. Yes.

Q. Do you remember the lady's name?

A. No.

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Q. Do you remember, if I were to say a name, Patricia Ames, A-M-E-S, does that sound familiar?

A. That sounds familiar, yes.

Q. Would that be the nurse that you had this discussion with?

A. Like I said, I don't remember, but it sounds familiar.

Q. There is some information that's handwritten under that, "Health History" section, Number 2, that is still a part of Section 2, that says, starts "May 2012, had a hysterectomy." Do you see that?

A. Yes.

Q. Is that your handwriting?

A. Yes.

Q. And would you agree that it says "May 2012, had a hysterectomy due to cervical cancer"?

A. Yes.

Q. And it says, "Dr. Koehler, currently on Clonidine for menopause and hot flashes"?

A. Yes. See, that's not a menopause

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2 medication, but Dr. Koehler currently -- and
3 then she said, Dr. Koehler also said that my
4 Clonidine could help for the hot flashes, so she
5 was asking me about that. I don't know why I
6 wrote that, but...

7 Q. And then you put "and Valium,"
8 correct, next to it?

9 A. Yes.

10 Q. There is no mention of Suboxone on
11 here, is there?

12 A. No. I don't know why, because I
13 told her. She was the one writing all these and
14 I told her when she asked me.

15 Q. We're going to get to that. We
16 didn't get to that yet and I think I know what
17 you're referring to.

18 But there is right underneath where
19 you wrote that comment that we just talked about
20 was a doctor's name. Is that Dr. Koehler's name
21 and address?

22 A. Yes. She wanted the doctor who did
23 my surgery.

24 Q. And is that your handwriting?

25 A. Yes.

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MR. LaROSE: The name and the address here (indicating), this is what he is asking.

MR. CIMINI: Right.

MR. LaROSE: Is that you?

THE WITNESS: No, that's not my handwriting.

MR. CIMINI: Okay. That was my question. That's not your handwriting?

THE WITNESS: That's a different doctor.

MR. CATALINOTTO: Could we clarify for the record now?

THE WITNESS: Limitation, I don't know what that is.

MR. CATALINOTTO: Could we clarify for the record now? We have the handwritten words that she's testified that she wrote I believe in this box up to the words Valium. Could we clarify?

MR. CIMINI: That's my understanding.

MR. CATALINOTTO: Under where?

MR. LaROSE: Yes, the name of the

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doctor and the address that's there,
she's saying that's not her handwriting,
and where it says "no" --

MR. CATALINOTTO: What's not her
handwriting, where it says "doctor"?

THE WITNESS: That's not my
handwriting, I'm sorry, and it says "no
current limitations."

MR. LaROSE: That's not your
handwriting?

THE WITNESS: No. I know why she
didn't put the Suboxone on there. She
told me that she only wanted the
medications that were going to make me
tired on there, and that's the quantity
and the volume, yes.

Q. That's what you recall her telling
you?

A. That's exactly what she told me. I
remember that.

Q. Now, is that your signature
underneath where we're just talking about,
Caitlin Railo?

MR. LaROSE: You mean under Box 1

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and 2?

MR. CIMINI: Correct.

A. Yes.

Q. Is that your signature?

A. Yes.

Q. And the date is October 16th, 2012?

A. Yes.

Q. That's your handwriting, as well?

A. Yes.

Q. Now, there is some more handwriting
underneath that; correct?

A. Yes.

Q. Was that your handwriting?

A. No.

Q. Do you know who wrote that
information?

A. That was the nurse.

Q. And the nurse writes "PMH," which
stands for past medical history?

MR. LaROSE: Do you know if that's
what that means?

THE WITNESS: I don't know.

MR. LaROSE: Okay.

Q. And did you tell the nurse that you

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had cancer of the cervix?

A. That's what the medical records say. That's why he did the hysterectomy.

Q. Do you see the letters right next to that, it looks like T -- either TAH --

A. TAH.

Q. Do you see that?

A. Yes.

Q. And then it says, May '12 or -- excuse me, "May 2012"?

MR. LaROSE: May 2012.

Q. Do you know what that's referencing?

A. No.

Q. And then if you continue on to the right, on that same line, it says "PCP Dr. Galli" with a telephone number. Do you know if that's Dr. Galli's telephone number?

A. Yes, it is.

Q. And then underneath that, it looks like the next line, it says, she writes, "PSH 2006 breast cancer." Did you have breast cancer in 2006?

A. Yes.

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Q. And a lumpectomy; is that correct?

A. Yes.

Q. And chemo pills?

A. Yeah. I didn't take pills for
chemo. I don't know why that's on there.

Q. And then underneath that, there is
the word "meds" that's circled. Do you see
that?

A. Yes.

Q. And then there is Clonidine?

A. Um-hum.

Q. ".1 milligram," do you see that?

A. Yes.

Q. Did you tell the nurse that you
were taking Clonidine?

A. Yes.

Q. And did you tell her in that
dosage?

A. Yes.

Q. Was that the correct dosage?

A. Yeah. That's one milligram twice a
day.

Q. Do you know what the letters are
that are after that?

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A. PO Q -- it's PO, then QID.

Q. Do you know what that stands for?

A. QID is twice a day.

Q. And then next to that "Diazepam";
correct?

A. Yes.

Q. And Diazepam is Valium; correct?

A. Yes.

Q. And then there is a dosage after
that? Do you see that?

A. Yes.

Q. Is that the correct -- what is the
dosage that's written there?

A. 10 milligrams twice a day.

Q. Was that accurate? Is that what
you're taking at that time?

A. Yes.

Q. And, again, in this section there
is no reference to Suboxone, is there?

A. No, because she didn't put it on
there.

Q. Did you tell her that you were
taking Suboxone?

A. Yes, I did. She said she only

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writes down the medication that makes you tired.
That's what she said to me.

Q. And did you tell her that Clonidine
makes you tired?

A. That's why it's on there. No, it
doesn't make me tired, but she -- because it
lowers your -- it lowers your blood pressure, so
most people, it would make you tired, and so
would Valium because it's a benzodiazapine that
would make you tired too.

Q. But it's your testimony that
neither of those two drugs made you tired?

A. No.

Q. And the reason why she didn't write
Suboxone is because that's a drug that won't
make you tired?

A. No, it doesn't.

Q. Did she agree with that? Who said
Suboxone is a drug that doesn't make you tired?
Did the nurse say that?

A. The nurse that did that, did my --
whoever did this, that did my physical.

Q. Did you agree with her that when
she said that the Suboxone doesn't make you

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tired?

A. She said I just want the medication on here that make you drowsy.

Q. Then it says, "PMD Dr. Galli" underneath that. Do you see that?

A. Okay, yes.

Q. That's in the nurse's writing; correct?

A. Yes.

Q. Were there any other drugs that you were taking at the -- prescription drugs that you were taking at the time when this medical examination report was filled out?

A. No.

Q. Do you recall whether or not the nurse who you provided this information ever discussed with you any potential hazards of taking the medications that you were on while driving or operating a motor vehicle?

A. No.

Q. Did the nurse that you gave this information to at that time ever request that you provide her or Quality Bus with a written prescription clearance form or opinion stating

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2 that you were fit to operate a school bus even
3 though you were taking the drugs that you
4 reported to them?

5 MR. CATALINOTTO: Objection to the
6 form.

7 MR. LaROSE: I'll join.

8 A. No.

9 Q. Did any representative of Quality
10 Bus ever tell you that you needed to obtain
11 written clearance from your physician saying
12 that you were fit to operate a school bus?

13 A. No.

14 MR. CIMINI: Railo G.

15 (Whereupon, an Article 19-A Bus
16 Driver Application was marked as Railo
17 Exhibit G for Identification as of this
18 date.)

19 (Document submitted.)

20 Q. Railo G that you've just been
21 handed is a one-page Article 19-A Bus Driver
22 Application and there is some typed information
23 on this particular form. My first question to
24 you is, did you type any of the information
25 that's contained on this form?

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2 A. No.

3 Q. Does your signature appear on the
4 bottom of this form anywhere?

5 A. Yes.

6 Q. Is that signature next to the date
7 October 26th, 2012?

8 A. Yes.

9 Q. Do you remember signing this form?

10 A. Yes.

11 Q. Do you remember, when you signed
12 this form, was the information that was typed
13 that you see on it now on the form when you
14 signed it --

15 MR. LaROSE: In other words, you're
16 asking her --

17 Q. -- or was it blank when you signed
18 it?

19 A. To tell you the truth, I really --
20 I don't know, because, I mean, I'm sure it was
21 typed, but now I don't remember.

22 Q. And underneath there is a signature
23 of employer/agent, and it looks like it's
24 Michael R. Martucci --

25 A. Yes.

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Q. -- October 26th, 2012. Do you see that?

A. Yes.

Q. Do you know if when you signed this form, if his signature was already on it at the time?

A. No.

Q. Under the accident section of this form, it says "Accident" -- "Start with your most recent accident and include accident within the past three years," and there is no mention of any accident in there, is there?

A. No.

Q. We can go back to your application which was Exhibit E, Page 3. The very top, it says, "Accident review for past three years," and you wrote in this information; correct? We went over that before? This was all in your handwriting?

A. Yes.

Q. You referenced a 2010 rear-end accident?

A. Yes.

Q. "Person trying to pull into

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dealership, driving without steering wheel"?

A. Yes.

Q. This is the accident that you mentioned earlier?

A. That's within the past three years.

Q. It was within the past three years?

A. Yes.

Q. That's why you listed it; correct?

A. Yes.

Q. And, in fact, I believe that accident actually occurred 2011, but you inadvertently may have written 2010?

A. I don't remember dates, but, yes, probably.

Q. I just want to make sure that there was no other rear-end accident and that we're only talking about one rear-end accident --

A. Yes.

Q. -- that you recall being involved in and that's the one by the dealership.

A. Yes.

Q. And then if we go back to the accident section of Railo G, you would agree that there is no mention of that rear-end

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accident in this particular form, is there?

A. No.

Q. Do you know why there is no reference there?

A. No, I don't. I mean, I put it on that paper (indicating).

MR. LaROSE: Referring to her application.

A. I don't know. They also say I'm a male in this application, so I don't know.

Q. That's right. Did you check off that --

A. No.

Q. -- box?

You didn't type in any of that information that's contained in there; correct?

A. No.

Q. You don't know who typed that, do you?

A. No.

Q. And then on that same form, Railo G, under "Convictions: Start with your most recent conviction and include all criminal convictions," and you would agree that there is

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nothing listed in any of those boxes, is there?

A. No.

Q. And when we go back to your application --

A. It only asked if I have been convicted of a felony.

Q. Well, let's go back to your application, Page 3, under the traffic, under the second section under the "Accident review for past three years," there is another section that says "Traffic convictions and forfeitures for the past three years," and then you wrote "Deer Park, May 2012, parking on pavement"?

A. That's what they gave me.

Q. What was that for?

A. After -- it was the one ticket that I had, after you plead not guilty, that's what I got in court and had to pay a fine.

Q. And you wrote that in there?

A. Yes.

Q. And then underneath that, you made a reference to "conviction in Pennsylvania in March of 2012 for speeding"; correct?

A. Yes.

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Q. And when you go back to Railo G, under that "Conviction" section that we were talking about, there is no mention of any convictions in there at all; is there?

MR. LaROSE: That's what he wants to know. Is this section blank? That's all he is asking you.

Q. This section is blank; right?

A. (Indicating affirmative page.)

Q. You have to say yes.

A. Yes.

Q. Do you remember having a discussion with Mr. Martucci or anyone from Quality Bus about filling out that particular section regarding convictions on Railo G at the time that you signed this document?

A. No.

Q. Under that section of "Convictions," it says, "Start with your most recent conviction and include all criminal convictions"; right?

A. Yes.

Q. Do you see that? And there is no limitations there with respect to how many

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years, is there?

A. No.

Q. And you would agree that you did have criminal convictions as of October 26th, 2012 when this document was signed; correct?

A. Yes.

MR. CIMINI: I'm going to show you what we will mark as Railo H.

(Whereupon, a document entitled "Carrier's Annual Review of Employee's Driver Record Under Article 19-A" was marked as Railo Exhibit H for Identification as of this date.)

Q. Railo H is entitled, "Carrier's Annual Review of Employee's Driver Record Under Article 19-A," and again, there is some information that's typed there and then there is some information that's handwritten on the entire form; correct?

(Document submitted.)

A. Yes.

Q. Did you type in any of the information that's contained there?

A. No.

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Q. Is there any handwriting on this particular form that is yours?

MR. LaROSE: Other than her signature?

A. No.

Q. Is the signature yours?

A. Yes.

Q. And the date, October 26th, 2012, is that your handwriting, as well?

A. Yes.

Q. Is that the only handwriting that is yours on this form?

A. Yes.

Q. And under the "Accident" information section, that's all blank; correct?

A. Yes.

Q. There is no reference to any rear-end accident that occurred?

A. In the past twelve months.

Q. It's just blank; correct?

A. Yes, it's blank.

Q. And then under the next section regarding "Record of Convictions," there is something written in there for July 10th, 2012

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and that's a disobeying of the traffic control device that we went over earlier; correct?

A. Yes.

Q. And that was in Deer Park.

Now, again by looking at this, does this now maybe refresh your recollection as to what that offense involved, the disobeying of the traffic signal?

MR. LaROSE: You mean what she was originally charged with first versus what she pled to?

MR. CIMINI: Yeah, because she didn't remember.

A. No.

Q. There is no reference to the speeding conviction that we went over earlier that happened in March of 2012 in Pennsylvania, is there?

MR. LaROSE: It's not here, is it?

THE WITNESS: No.

Q. Do you know why it's not there?

A. I have no idea.

Q. Do you remember having a discussion with Mr. Martucci at the time that this form was

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filled out about your record of convictions?

A. No.

Q. We went over your job application, and you would agree that you did disclose your speeding citation in March of 2012 on your application; correct?

A. Yes.

Q. And you don't have an explanation as to why it's not contained on the Carrier's Annual Review of Employees Driving Record which is marked as Railo H?

A. No.

Q. Do you remember if Quality Bus ever provided you with an employee handbook?

A. No.

Q. Do you remember if you were ever subjected to a random drug test by Quality Bus after you were hired but before the February 14th, 2013 bus accident?

MR. LaROSE: She's already discussed with you the drug test and she told you you don't know in advance when it's given, so that's the random drug test. Are you referring to something

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else now?

MR. FOULKE: I don't know that we established that.

MR. CIMINI: I don't know that was a random we never discussed.

MR. LaROSE: She said to you specifically --

MR. CIMINI: Calm down.

MR. LaROSE: -- okay, that you don't know in advance when it's being given to you because you were asking about masking and everything, and she said you don't know when the test is going to be given.

MR. CIMINI: We talked about a drug test that she was required to give --

MR. LaROSE: Right.

MR. CIMINI: -- prior to her being hired, that's what we talked about, and I asked her, and she said it was a urinalysis and then we went through that stuff.

MR. LaROSE: Okay, right.

MR. CIMINI: That was the one test

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that I know that she was given before she was hired. It was mandated as part of the hiring process. That was my understanding.

MR. LaROSE: Okay. So, what's your question then? It's coming out different.

Q. My question is, were you subjected to any random drug test by Quality Bus after you were hired but before the February 14th, 2013 bus accident?

A. I only had the one drug test.

Q. And that was?

A. That was right before I started driving.

Q. And then you had another one after the accident; correct?

A. Yes.

Q. Are you right-handed or left-handed?

A. Right.

Q. And would it be fair to say that you actually first started to drive a bus for Quality Bus transporting students in October of

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2013? Does that sound right?

A. September, October, yes.

MR. CATALINOTTO: Objection to the form. I think we got the years wrong. October 2012.

MR. CIMINI: 2012, you're right. I'm sorry.

A. Oh, yes.

Q. October of 2012?

A. Yes.

Q. As part of your employment with Quality Bus, at any time did they ever provide any defensive driving courses?

A. Well, what do you mean as "defensive driving courses"?

Q. Well, I don't know. I'm asking the question. Do you recall there being anything where you were instructed by Quality Bus on how to be a defensive driver, that topic or that term?

A. Yeah, of course, because we had to do driving for a little over a month.

Q. Do you remember Quality Bus ever giving you any rules or regulations about

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2 driving while impaired?

3 A. Yes, but I don't remember the
4 exact. It's the same stuff that's in the book
5 to get your -- get your CDL. You know,
6 obviously if you're too tired, you can't keep
7 your eyes open, you are supposed to pull over
8 and call somebody, have them relieve you. If
9 you don't, you have to radio in. If something
10 is -- I mean, it's all the same. It's
11 standardized rules.

12 Q. What school district were you
13 driving for when you were driving for Quality
14 Bus?

15 A. Port Jervis.

16 Q. Did you have the same route every
17 day?

18 A. Yes.

19 Q. And can you tell me what that route
20 was?

21 A. Route, the first was the -- hold
22 on, I got to think about this, because I went to
23 a school in PA in the morning. The first route
24 was to Port Jervis Elementary and the second
25 route was to the PA school.

1 CAITLIN H. RAILO

2 Q. Tell me about the first route,
3 where it started and kind of where it ended.
4 Where would you start from?

5 A. Okay. Wait. I'm sorry. I'm
6 backwards. The first route was to the PA school
7 and the second route was to the elementary
8 school for which one there is two different
9 routes that I did.

10 Q. Tell me about the first, the route
11 that you would take that you would do in the
12 morning. Where did that route start?

13 MR. LaROSE: Okay. Let's get
14 something clear. You do two routes in
15 the morning or one route in the morning?

16 THE WITNESS: Two in the morning,
17 two in the afternoon.

18 MR. LaROSE: Okay.

19 Q. Tell me about the two routes in the
20 morning.

21 MR. LaROSE: She has Port Jervis
22 and then the PA route. Now you want to
23 ask something specific?

24 Q. Where do those routes start?

25 A. I start in Sparrow Bush at the bus

CAITLIN H. RAILO

station, and I have to go through Port Jervis and I have to go into Deer Park, and I don't remember the road names now, make a left onto the road that I was trying to make a left on. I go up there, and then I have to come back out, go through Port Jervis again and go to PA. Then I have to pick up the elementary. After that route was done, it was elementary.

Q. How long does that route take?

MR. LaROSE: Which route?

MR. CIMINI: The first route that you described in the morning.

MR. LaROSE: First Pennsylvania route in the morning, how long average?

THE WITNESS: About a half hour.

Q. And then the second route?

A. Second route is about the same, a little shorter, because there are so many stops.

Q. And so then there is a break in the day, correct --

A. Yes.

Q. -- before you do the afternoon route or routes?

A. Yes.

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CAITLIN H. RAILO

Q. How long is that break?

A. About four hours.

Q. What do you do during the four
hours?

A. Eat, go home, make lunch, use the
phone, clean the house.

Q. What do you do with the school bus?
Do you take the bus home with you?

A. No. It parks at the bus station
and then I drive my car home.

Q. And then you go back to the --

A. Bus station.

Q. -- bus station --

A. Yes.

Q. -- for the afternoon?

A. Yes.

Q. And how many routes in the
afternoon, two?

A. Yes.

Q. And tell me about what routes they
are.

A. It's the same, same routes, just
backwards.

Q. Just reversed?

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CAITLIN H. RAILO

A. Yes.

Q. Are you required to do any type of office work, paperwork, during the morning and afternoon routes?

A. No, not unless I have a writeup or I just have to do a checkoff of the bus. I have to check the tires, check the outside, check the mirrors, check the glass, the inside, the seat belts, the floors --

Q. Who --

A. -- the gauges.

Q. When do you do that?

A. Before every route and before you drive and after you drive.

Q. Both in the morning and in the afternoon?

A. Absolutely, yes.

Q. So, every morning when you would start your job at Quality Bus, you would drive to the bus facility, correct, to pick up your bus?

A. Yes.

Q. Would you have to report to any Quality Bus manager or employee to tell them

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CAITLIN H. RAILO

that you're here and that they can look at you
and observe you?

A. Yes, I have to go in and get the
key for the bus, so I go in and I say good
morning. I use, you know, the ladies' room and
then get the key and then go to the bus.

Q. Who do you report to when you go in
in the morning?

A. The secretary. There is two.
There is one main lady that stays in the office
all day, but the other one is usually in there
with her too, so sometimes there is two ladies
in there.

Q. Other than the two secretaries,
were you required to report to any manager or
supervisor?

A. No.

Q. Who was your supervisor or your
manager at the time that you were employed by
Quality Bus?

A. It was Michael, I believe.

Q. Michael Martucci?

A. Yes.

Q. Did you ever have to report to him

1 CAITLIN H. RAILO

2 in the morning for any reason?

3 A. If he needed, he told the
4 secretary, then he would. She would call him
5 when I was there and then I would go and talk to
6 him. Kids get taken off the bus or a new one
7 comes on, I have to know about it. They'll give
8 me a different stop on my run or let me know if
9 somebody is taken off.

10 Q. Do you know if anybody from Quality
11 Bus was required to make a personal observation
12 of your overall general appearance before you
13 were allowed to leave with the keys to a bus for
14 that day?

15 A. No, but I'm sure they did.

16 Q. Why do you say that?

17 A. Because I had to go in there and
18 talk to him every morning, everybody does, to
19 get the keys, so I'm sure they do their own, you
20 know, personal inventory on you.

21 Q. You're talking about those two
22 secretaries?

23 A. Yes and yes.

24 Q. Do you know if they had any special
25 training on how to observe bus drivers?

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CAITLIN H. RAILO

A. I don't know.

MR. CATALINOTTO: Objection to the
form.

Q. Were you free to go anywhere you
wanted during the morning and afternoon routes?

MR. LaROSE: Wait a minute. You're
asking while she is driving the route,
can she go anywhere she wants or, are you
talking about in the four-hour break?

MR. CIMINI: In the four-hour
break.

MR. LaROSE: That's not what you
said.

A. Yes. On break, yes.

Q. You were free to go anywhere?

A. Yes.

Q. Were you free to go anywhere during
that break with the bus?

A. No.

Q. Did you drive the same bus every
day?

A. Yes.

Q. Was that Bus Number 71?

A. Yes.

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CAITLIN H. RAILO

Q. Does that sound right?

A. Um-hum.

Q. From the time that you were hired up to the time of the accident, were you ever reprimanded by your employer for any reason?

A. I was late, so yes.

Q. Was that the only reason you were reprimanded?

A. Yes.

Q. And how many times were you late?

A. Twice.

Q. Who reprimanded you, Mr. Martucci?

A. Yes.

Q. Were you given any kind of written warning or a verbal warning?

A. I was told if I was late or anything, I was going to lose my job.

Q. Do you recall when that occurred?

A. No.

Q. The accident happened on February 14, 2013. Does that refresh your recollection as to when you may have been reprimanded by Mr. Martucci for being late?

A. January. I can't tell you when,

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though. I don't know.

Q. January of 2014?

MR. LaROSE: No.

MR. CIMINI: Excuse me. 2013.

A. Yes.

MR. CIMINI: Off the record.

(Discussion off the record.)

Q. Do you recall whether you were ever called off from work when you were driving for Quality Bus?

MR. LaROSE: I'm sorry, what was the question?

MR. CIMINI: Did you ever call off?

MR. LaROSE: What do you mean "call off"?

Q. Call and say I'm taking a day off, I can't come in today.

A. I think I did, but I don't remember when.

Q. Okay. Do you know how many times you would have called off?

A. Once.

Q. Do you remember what the reason was?

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A. It had to have been medical.

Q. Well, again, I don't want you to assume. If you actually know the reason, I'll take that, but if you don't know, just say I don't know.

A. Yeah. Yes, it was from surgery. That's the only reason I called out.

Q. You didn't have surgery while you were working for Quality Bus, did you?

A. Yes.

Q. What surgery did you have while you were working for Quality Bus?

A. Well, it was the same-day surgery.

Q. What was that?

A. I had a lump removed.

Q. That was the lumpectomy that we talked about, or was that something else?

A. No, it was a different one.

Q. Was that also in your breast?

A. No.

Q. How many days did you miss as a result of this lumpectomy --

MR. LaROSE: It wasn't a lumpectomy.

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CAITLIN H. RAILO

Q. -- or the lump being removed?

A. I don't know.

Q. You don't remember when it was?

A. It was in January, but I think I only had -- or I just left early, I think, to go get it done. I don't think I had any days off. I really don't remember.

Q. Do you remember, if you did have to call off, whether you were required to find a replacement driver?

A. No.

Q. Do you know how Quality Bus would get a driver to fill in for you or for any bus driver for that matter if they had to call off for any reason?

A. You give another driver an extra route.

Q. Let's go to the day of the accident. You said earlier that you kind of, you know, remembered the accident. It was on February 14th, 2013. Do you remember what day of the week it was?

A. No.

Q. In the area of the accident, were

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you familiar with where that accident occurred?

A. Yes.

Q. Was that part of your daily bus route?

A. Yes.

Q. Would that have been one of the morning routes?

A. That was the afternoon route.

Q. The afternoon?

A. Yes.

Q. And do you remember what time of day the accident happened?

A. It was around 2:00, a little after 2 it had to have been.

Q. Where were you with respect to the afternoon route? Was it the beginning of the route? Was it toward the end of the route?

A. It was the end.

Q. Do you remember where you were coming from, where you were headed?

A. I was -- I can't remember the name of that road. I was making a left onto the road. That was last stop I had.

Q. Does Peenpack -- I'm not sure of

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the spelling.

A. Yes, Peenpack Trail.

Q. It was light out at the time of the accident?

A. Yes.

Q. Was there anything about the weather that was a problem that day?

A. No.

Q. What about the traffic conditions? Was there anything unusual about the traffic conditions?

A. No.

Q. What about the shape or curve of the roadway at or near where the accident happened, can you give me a sense as to what that roadway was like?

A. There was a sharp -- there was a sharp turn and I know the speed limit went down with the turn, I believe.

Q. Sharp turn going -- coming from what you were headed in a certain direction on, I believe it was Route 209?

A. 209.

Q. Okay.

1 CAITLIN H. RAILO

2 A. The way I was coming from Port
3 Jervis, it was a sharp left, sharp turn to the
4 left, so for him it would have been a right
5 turn.

6 Q. Okay.

7 A. Curve, not a turn.

8 Q. So, you're saying the roadway,
9 there is a curve in the roadway at or near the
10 intersection of 209 and Peenpack Trail?

11 A. Yes.

12 Q. Do you know what the posted speed
13 limit is at that area of --

14 A. 45.

15 Q. Just so the record is clear, do you
16 know what the posted speed limit is at the
17 intersection at or near the intersection of
18 Peenpack Trail and Route 209?

19 A. 45. I believe the curve went down
20 to 35. I'm not too sure.

21 Q. Was there anything mechanically
22 wrong with the bus that day as far as you know?

23 A. No.

24 Q. Were the brakes working properly?

25 A. Yes.

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CAITLIN H. RAILO

Q. Were you having any difficulties with the steering mechanism?

A. No.

Q. Do you know if you had headlights on?

A. No. Well, headlights are always on.

Q. They're always on?

A. They're always on.

Q. Is that some type of requirement from Quality Bus as far as you know?

A. Yes.

Q. Did you consume any alcoholic beverages during the twenty-four-hour period before the accident?

A. No.

Q. What medications or drugs did you take during the twenty-four-hour period before the accident on February 14th, 2013?

A. Clonidine, Valium and two Percocets the night before.

Q. The Clonidine and the Valium, were they the same dosages that you had described earlier that you told the nurse when you were

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CAITLIN H. RAILO

hired that you were taking?

A. Yes.

Q. And Percocet is something that we haven't discussed before. You're telling me that the night before February 13th, 2013 you took two Percocets?

A. Yes.

Q. Who prescribed those Percocets?

A. Dr. Koehler, Crystal Run Health Care.

Oh, wait, no, it wasn't Dr. Koehler. I'm sorry. It was a female doctor. I don't know what her name is, but it was --

MR. LaROSE: Somebody at Crystal Run?

THE WITNESS: Crystal Run Health Care, yes.

Q. Someone at Crystal Run prescribed Percocet for you?

A. Yes.

Q. When were they prescribed?

A. Couple weeks before that.

Q. Couple weeks before the accident?

A. Yes.

1 CAITLIN H. RAILO

2 Q. Did you notify Quality Bus that you
3 were prescribed Percocet?

4 A. I don't remember, but I know I told
5 them what I had done, so I can't -- I really
6 can't remember.

7 Q. Well, let me ask you this. Maybe I
8 should have prefaced that question by this
9 question.

10 A couple weeks before someone from
11 Crystal Run prescribed Percocet for you;
12 correct?

13 A. Yes.

14 Q. Was that for pain?

15 A. Yes.

16 Q. And was that as a result of the
17 operation or the procedure that you described
18 earlier?

19 A. Yes.

20 Q. Were you taking those Percocets on
21 a daily basis from the time they were prescribed
22 up until the night before the accident?

23 A. Yes, only when needed.

24 Q. But did you take them every day?

25 A. No.

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CAITLIN H. RAILO

Q. But you do recall taking them the night before the accident?

A. Yes.

Q. And what effect did the Percocet have on you, if any?

A. None really. They were like a strong Motrin.

Q. Did it relieve the pain?

A. A little bit. Yeah, it makes it bearable.

Q. What time did you take the Percocet? I know you said the night before, but can you give me a sense as to what time you would have taken the Percocet?

A. Between 8:00 and 9:00 at night.

Q. And do you remember the dosage?

A. No, I don't.

Q. So, the medications that you were taking within the twenty-four-hour period were the Clonidine, the Valium and the two Percocets?

A. Yes.

Q. Anything else?

A. No.

Q. Did you have a cell phone with you

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CAITLIN H. RAILO

at the time the accident happened?

A. Yes. I always do, yes.

Q. Was that your own personal cell phone or was that a cell phone that Quality Bus provided to you?

A. Own personal cell phone.

Q. Did Quality Bus provide you with a cell phone?

A. No.

Q. Do you know if you were talking to someone on your cell phone when the accident happened?

A. No, I was not.

Q. Who was your cell phone carrier or who was your cell phone carrier at the time of the accident?

A. Verizon, I believe.

Q. Do you know if you were using your cell phone at any time just before the accident happened while you were driving the bus?

A. I don't ever use the cell phone while driving.

Q. Who else was with you in the bus at the time of the accident?

1 CAITLIN H. RAILO

2 A. One student. I don't remember her
3 name.

4 Q. Was there anyone else in the bus
5 with you other than the one student?

6 A. No.

7 Q. Do you remember where that one
8 student was seated at the time the accident
9 happened?

10 A. Third, fourth seat from the front.
11 I know she was in the front, but I don't know
12 exactly which seat.

13 Q. Do you know if she was directly
14 behind you or was she on the other side, I'll
15 call it, the passenger side?

16 A. Passenger side.

17 Q. She was on the passenger side?

18 A. Yes.

19 MS. LLOYD: Off the record.

20 (Discussion off the record.)

21 Q. Did you attempt to call off work on
22 the morning of February 14th, 2013, the day of
23 the accident?

24 A. I believe I did.

25 Q. Tell me what happens as far as that

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goes, as far as you can remember.

A. If I don't come in, I was fired.

Q. Who did you speak to that morning?

A. Secretary.

Q. Do you remember her name?

A. No.

Q. Do you remember what time you
called?

A. It would have to be between 4:00
and 5:00 in the morning.

Q. Is there someone at the facility
that you can call that early?

A. Yes.

Q. Do you recall what you told that
secretary?

A. No.

Q. Do you recall generally what you
said about not coming in?

A. I didn't feel good.

Q. Did you say why you didn't feel
good?

A. Just said my body was sore and I
was in pain and I had trouble sleeping the night
before.

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CAITLIN H. RAILO

Q. And what did that person tell you when you made the request to stay home that day?

A. There was no other drivers.

Q. Did she say anything else other than there is no other drivers?

MR. LaROSE: What she already told you.

MR. CIMINI: I'm going to get to that.

A. There was nobody else to do the route.

Q. You mentioned earlier that you were told that you would be fired if you didn't come in. Is that what you were told by the secretary?

MR. LaROSE: Were you told that that morning or is that something you had been told to you earlier he wants to know.

A. I was told earlier. I don't know if she told me that morning.

MR. CATALINOTTO: Hold it. I can't hear you.

Q. I want to try to understand your

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CAITLIN H. RAILO

testimony here because it's important.

At some point somebody from Quality Bus told you that if you miss work, you're going to be fired; is that fair?

A. Yes.

Q. When was that statement made to you?

A. The last time I was late.

Q. Okay. Who made that statement to you?

A. The secretary.

Q. Was that the same secretary that you called and spoke to on the morning of February 14th, 2013?

A. Yes.

Q. And so when you called off that morning of February 14th, 2013, you told her that you didn't feel well and that you didn't want to come in, and her response generally was, well, there is no one else to take the route?

A. Yes.

Q. Do you recall her saying anything else to you other than that?

A. No. I just said, "There is nobody

1 CAITLIN H. RAILO

2 else that can do it?" And she said, "No, there
3 is not."

4 Q. Was it your understanding that if
5 you did not show up for work that morning, that
6 you would be fired based on the statement that
7 that secretary made to you earlier?

8 A. Yes.

9 MR. CATALINOTTO: Objection to the
10 form.

11 Q. At the time that this accident
12 happened, you were in your afternoon route;
13 correct?

14 A. Yes.

15 Q. The second route of the afternoon;
16 correct?

17 A. Yes.

18 Q. So, prior to that time, you had
19 done the two morning routes; correct?

20 A. Yes.

21 Q. What did you do that day in
22 between, for the four-hour break in between the
23 morning routes and the afternoon routes, if you
24 recall?

25 A. I went home, ate lunch and sat and

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CAITLIN H. RAILO

watched TV.

Q. Did you take any more medications?

A. No, I don't take my other meds until nighttime. That would only be the blood pressure medication at night.

Q. When do you take your -- let's see, you said that you were taking in the twenty-four-hour period Clonidine, Valium and two Percocets?

A. Yes.

Q. At what time did you take the Clonidine?

A. I don't know. Before work sometime.

Q. It would have been in the morning hours of February 14th?

A. I take it early, probably about 4:00 in the morning.

Q. What about the Valium?

A. Same time. I don't start driving until 7:30.

Q. Do you know if at the time of the accident, whether you were on schedule or were you running late for any reason?

1 CAITLIN H. RAILO

2 A. I was on schedule.

3 Q. How many students were in the bus
4 when that particular route started, if you
5 recall?

6 A. Five.

7 MR. LaROSE: Okay. Never mind.
8 Which route?

9 MR. CIMINI: The last route.

10 MR. LaROSE: The one she was on at
11 the time of the accident?

12 MR. CIMINI: Yep.

13 MR. LaROSE: When you start that
14 route.

15 A. Yeah, it was about five. I don't
16 remember exactly how many that day, though,
17 because I think one was missing.

18 Q. Do you remember at the exact point
19 of the impact with Justin Maher what you were
20 doing?

21 A. What I was doing?

22 Q. Yeah.

23 A. I was about to make a turn. I was
24 making a turn.

25 Q. You were about to make -- you were

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CAITLIN H. RAILO

attempting to make a left turn onto Peenpack;
correct?

A. Yes.

Q. Do you remember at that time if you
were talking to anyone?

A. No, I don't remember -- no, I
wasn't. Sorry.

Q. You were not talking to anyone?

A. Not when I was turning, I don't
believe.

Q. Do you know if Quality Bus had any
policy that prohibited you from talking to the
students while they're on the bus?

A. No.

Q. Do you know if you were ever
reprimanded for talking too much to the students
on the bus by Quality Bus?

A. No.

Q. No, you were not?

A. No.

Q. Did you ever see the video
surveillance from inside the bus of the
accident?

A. No.

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Q. If the video shows that you were talking to someone at the time of the impact, would the only person that you could have been talking to been the person that was on the bus, the student?

A. Yes.

Q. You were not on your cell phone?

A. No.

Q. And if you were talking to the student at the time of the impact, that would not have been a violation of any Quality Bus policy?

MR. CATALINOTTO: Objection to the form.

MR. LaROSE: Object to the form. When you say "time of impact," I think you really mean in the moments before the impact.

MR. CIMINI: Right before the impact.

MR. CATALINOTTO: Objection to the form. You can answer.

A. No.

Q. In the moments right before the

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CAITLIN H. RAILO

impact, if you were talking to someone, would that have been a violation of Quality Bus policy?

A. No.

Q. How fast were you traveling at the point of impact?

A. I don't know.

Q. Do you recall seeing my client's vehicle at any time before the impact?

A. No.

MR. LaROSE: Even for moments. He wants to know if you ever saw it before you hit it.

A. Two seconds, that was it, no. That was it.

Q. Well, the question was, did you ever see Mr. Maher's vehicle before, at any time before the impact?

MR. LaROSE: Yes.

A. Right before he hit me. As he was hitting me, no, I didn't even see him coming around the turn.

Q. You didn't even see him coming around the turn?

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CAITLIN H. RAILO

A. No.

Q. Would you be able to describe the color of his vehicle?

A. Dark. I don't know exactly what color, but I know it was dark.

Q. Was that based upon your observation of his vehicle before the impact or was that based on your observations after the crash occurred?

A. No, that was after.

Q. Is there any way you would be able to give an estimate as to how fast he was traveling prior to the impact?

A. I would say he was definitely speeding.

Q. But can you give me an estimate as to how fast he was traveling?

A. No. Above, he was going faster than 60 or 65. I know that.

Q. Well, how do you know that?

A. Because I can tell by how many seconds it took him to hit me from that turn.

Q. Well, how many seconds did it take? Because I asked you earlier whether you saw his

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CAITLIN H. RAILO

vehicle at any time before and you gave me the sense that you barely saw his vehicle.

A. If he was going 45, I would have saw him. Somebody that's going more than 55, 60, you would see that person before they hit you. I didn't even see him.

Q. Were you able to take any actions to avoid a collision with Justin Maher's vehicle?

A. No.

Q. Does the bus have a horn?

A. Yes.

Q. Were you able to apply the horn?

A. No.

Q. Do you know if you were able to hit your brakes just before the impact?

A. I hit him as he was hitting me. I didn't even see him coming. I had one-second reaction time, one- or two-second reaction time, which is nothing.

Q. Do you know whether or not the bus left any skid marks as a result of you applying your brakes?

A. No.

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CAITLIN H. RAILO

Q. The bus did not leave skid marks or you don't know?

A. No, I don't know.

Q. Do you know if you were able to turn your wheel in any direction in an attempt to avoid contact with Mr. Maher's vehicle?

A. No.

Q. What part of the bus came into contact with what part of Mr. Maher's vehicle, if you recall?

A. It was his front of his car with the front right side of the bus.

Q. What did you do right after you learned that there was an accident?

A. Got out and checked on him and used the phone -- well, radioed my phone.

Q. Did the bus have a radio in it?

A. Yes. I radioed the depot.

Q. Was that before you got out of the bus or did you go out of the bus first and then come back in and radio depot?

A. I don't remember.

Q. Did you use your cell phone at all to contact anyone right after the accident?

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CAITLIN H. RAILO

A. The only person I contacted was the -- well, afterwards, after they took him and they were taking me to the hospital, I mean, afterward.

Q. I mean while you were at the scene, in the moments right after the accident, while you were at the scene, did you use your cell phone to contact anyone?

MR. LaROSE: Just in the first minute or two is what he is asking you.

THE WITNESS: No.

Q. Did you take any photographs at the scene?

A. No.

Q. Did you have a camera with you?

A. No.

Q. Would it be fair to say that you were upset at that time?

A. Yes.

Q. Were you in any kind of pain?

A. Yes.

Q. Were you in pain as a result of the accident that you were just in or were you in pain as a result of the surgery that you had

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recently for which you were taking Percocet?

A. I don't think the accident really did anything to me. I was just -- I was sore the next day. I don't know why. At that time I was just in shock.

Q. You were in shock at the scene; would that be fair to say?

A. Yes.

Q. Do you remember who you spoke to at the scene of the accident right afterwards?

A. The lady that works for the Deer Park courthouse. I don't remember her name.

Q. Do you remember the substance of that conversation?

A. No. She was asking me if we were okay, brought us into the building and called the kid's parents, the father, to come pick her up and told me to not move, and that was about it.

Q. Do you know if that person that you spoke to saw the accident?

A. I think she saw some of it or heard it. I don't remember what she said.

Q. You don't remember her name?

1 CAITLIN H. RAILO

2 A. No.

3 Q. Do you recall anyone asking you for
4 a fire extinguisher?

5 A. No, nobody did.

6 Q. Other than that woman that you
7 described having that conversation with, did you
8 have a discussion or conversation with anyone
9 else at the scene?

10 A. No.

11 Q. How about my client, Justin Maher?

12 A. No.

13 Q. Did you talk to him at all?

14 A. No.

15 Q. Did you see him?

16 A. Yes.

17 Q. Did you see him in his vehicle?

18 A. Yes.

19 Q. Can you tell me what condition he
20 was in?

21 A. He was leaning against the steering
22 wheel.

23 Q. Was he conscious?

24 A. I don't think so.

25 Q. Was he making any noise?

1 CAITLIN H. RAILO

2 A. No.

3 Q. Was he moving at all?

4 A. No.

5 Q. Was he bleeding?

6 A. A little bit on his nose, coming
7 from his nose.

8 Q. Did he appear to have any injuries
9 to his arms or his legs as far as you could
10 tell?

11 A. No.

12 Q. Can you tell me what he was
13 wearing?

14 A. No. I wasn't paying attention to
15 that.

16 Q. Do you know if the passenger that
17 was in your bus, the little girl, whether she
18 was injured?

19 A. No. She was fine.

20 Q. She was not. How long did you stay
21 at the accident scene?

22 MR. LaROSE: Define what you mean
23 by "the accident scene."

24 MR. CIMINI: Well, the intersection
25 where the accident happened I refer to as

1 CAITLIN H. RAILO

2 the accident scene.

3 A. A couple minutes.

4 Q. Let me finish the question. I'm
5 trying to establish the question.

6 How long did you remain at or near
7 that area following the accident?

8 MR. LaROSE: You mean by the bus
9 and by the car? Is that what you're
10 referring to?

11 MR. CIMINI: Yeah, in that general
12 area.

13 MR. LaROSE: Because you know that
14 later she went across to that other
15 place. She mentioned that briefly;
16 right?

17 MR. CIMINI: Right.

18 MR. LaROSE: Okay. How long did
19 you remain by the bus and car?

20 A. I don't know. Only a couple
21 minutes, went over and then we went into that
22 building.

23 Q. How long did you remain in that
24 building?

25 A. Until the cops got there. Maybe

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half hour, forty-five minutes, not even.

Q. And did the cops interview you while you were in that building, if you recall?

A. No, because I had to be taken to the hospital.

Q. Did the cops interview you while you were at the hospital?

A. Yes.

Q. Do you recall what you told the police about the accident?

A. Same thing I just said here. I mean, there is nothing really he is to say about it. It was quick. I mean, it happened so fast.

Q. Well, I just want to know if you recall specifically what you may have said to the police as you sit here today. Do you have a recollection of what you told them?

A. Nothing that we haven't already said.

Q. Did you tell the police officer about any drugs that you were taking, that you had taken that day or within the twenty-four hours?

A. Yep. Yes.

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CAITLIN H. RAILO

MR. CIMINI: Railo J.

(Recess taken.)

(Whereupon, a thirty-five-page
police report was marked as Railo Exhibit
J for Identification as of this date.)

(Document submitted.)

Q. You've just been handed Railo J,
and I think just so the record is clear, I think
we may have skipped a letter, but that's
intentional even though it may not flow. This
should be Railo J because it's consistent with
what everybody else has. It's the police report
and it's a total thirty-five pages.

MR. CATALINOTTO: Is that in here?

MR. CIMINI: That's in there, Railo
J.

Q. And we're not going to go through
the entire report. We are going to look at some
statements, Caitlin, that were made that are
attributable to you, that were made by you.

And the first page I want you to
turn to Page 23. Do you see the handwritten
statement that's contained on Page 23?

A. Yes.

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CAITLIN H. RAILO

Q. Is the handwritten statement in
your handwriting?

A. No.

Q. Is your signature on the bottom of
that page?

A. Yes.

Q. Yes?

A. Yes.

Q. But that's not your handwriting
above it; correct?

A. No.

Q. Do you know who wrote that
statement?

A. No.

Q. There are two witnesses underneath
your name. Do you see those witnesses' names?

A. I can't read them.

Q. But --

A. Yes.

Q. Can you identify who they are?

A. No.

Q. Looks like Investigator MJ Skunks.

A. That's what it looks like.

Q. Do you know who that person is?

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CAITLIN H. RAILO

A. No.

Q. Underneath that, it looks like another person, but maybe it's the same person, and their initials MJS.

MR. LaROSE: She doesn't know.

Q. I'm going to read the statement into the record and I'll ask you some questions real quick.

MR. LaROSE: Off the record.

(Discussion off the record.)

Q. Did you have an opportunity to read that statement?

A. Yes.

Q. You did?

MR. LaROSE: She glanced at it, yes. Go ahead.

Q. After you glanced at it, do you think there is anything in that that's inaccurate?

MR. LaROSE: As to what she said at the time?

MR. CIMINI: Yes.

MR. LaROSE: He wants to know if everything in here is accurate as far as

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CAITLIN H. RAILO

either what you described or said, so go through it and tell us on any line if there is anything you don't recognize there as being something that you said.

THE WITNESS: Yes.

MR. LaROSE: Okay. So, start with wherever the first thing is and tell him all the things you don't recall telling him specifically, that way --

THE WITNESS: Tell him things I don't remember saying?

MR. LaROSE: Yeah, or that are inaccurate, you believe are inaccurate, not things you said.

THE WITNESS: It's pretty accurate.

MR. LaROSE: Okay.

Q. And let me just address one thing that's part of the statement. It says, "In the midst of making the turn, I saw a dark-colored, two-door car traveling southbound on Route 209"; right?

MR. LaROSE: Do you see that?

MR. CIMINI: You see that?

THE WITNESS: Yes.

1 CAITLIN H. RAILO

2 Q. You see that? I just wanted to
3 make sure you see.

4 A. That's not my wording.

5 MR. LaROSE: But that's what's
6 there, okay.

7 A. That doesn't make any sense
8 because --

9 MR. CATALINOTTO: Well --

10 A. Yes, I see it.

11 Q. This is a statement that you signed
12 as being an accurate and true statement at the
13 time; correct?

14 A. Yes.

15 Q. And do you believe that not to be
16 true now as you read that statement?

17 MR. LaROSE: Which, "In the midst
18 of making the turn"?

19 MR. CIMINI: Yes. The statement
20 that I just read, yes.

21 A. That can go either way, but all
22 right.

23 Q. I don't understand that answer.
24 You made that statement on February 14th, 2013
25 at 4:55 p.m.?

1 CAITLIN H. RAILO

2 MR. LaROSE: Off the record.

3 (Discussion off the record.)

4 A. I didn't make that statement.

5 MR. LaROSE: She may have not used
6 the words "In the midst of making the
7 turn."

8 THE WITNESS: No, I didn't.

9 MR. LaROSE: But you were making
10 the turn when you saw the dark-colored
11 car?

12 THE WITNESS: Well, yeah, I saw
13 when he hit me.

14 MR. LaROSE: Right.

15 Q. And then it says after that, "I
16 estimate this vehicle to be traveling 65 to 70
17 miles per hour."

18 A. Yes.

19 Q. Is that an accurate statement as
20 far as you know when you gave that statement
21 back in February of 2013?

22 A. Yes.

23 Q. "The driver of the other car was a
24 younger white male not wearing a seat belt and
25 wearing some type of a sweatshirt," do you

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CAITLIN H. RAILO

believe that to be an accurate statement?

A. Like I said, now I don't really remember, but I guess at that time, yes.

Q. When did you make your determination that the driver of the other vehicle was a younger white male not wearing a seat belt and wearing some type of sweatshirt, was that after the accident or did you make that observation just before the impact when you first saw his car?

A. After.

Q. And if you turn over Page 2 of the written statement, even though the first page, it says "1 of 1."

MR. CIMINI: Page 24.

Q. Does that contain your signature on the bottom of Page 24 just like it did on Page 23?

A. Yes.

Q. In the middle of this statement on this page, there is some discussion about medications and we can read it together, or are you reading it now?

A. Yes, I am.

1 CAITLIN H. RAILO

2 MR. LaROSE: All right. This you
3 might as well read out loud. I know what
4 you want to do. Okay.

5 Q. All right. It states, I quote "The
6 medications I took today are Clonidine, .01
7 milligrams, one tablet, at 9:45 a.m.; Valium, 5
8 milligrams, one tablet at 9:45 a.m. Yesterday I
9 took Percocet, 7.5 milligrams, two tablets, at
10 about 8:00 p.m. and a half of Ambien, 10
11 milligrams, one-half tablet, at 8:00 p.m. I
12 also take Suboxone, 8 milligrams in the morning
13 and 2 milligrams before bed, but I haven't taken
14 it since last week." Okay. Did I miss
15 anything?

16 MR. LaROSE: No, okay. So, you're
17 done reading what's written here. Now
18 you have a question?

19 MR. CIMINI: Yes.

20 MR. LaROSE: Go ahead.

21 Q. Is that statement accurate?

22 A. I really couldn't tell you. I
23 would assume so. I normally don't take the meds
24 at 9:45, though, but all right.

25 Q. Earlier you told me that you took

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CAITLIN H. RAILO

those meds --

A. In the morning.

Q. -- much earlier in the morning;
correct?

A. Yes.

Q. But as you read this statement --

A. That's what I just said. I never
take my meds at 9:45 because I'm usually still
driving at that time. I take them before I
leave.

MR. CATALINOTTO: Can we just
clarify real quick, she didn't write this
either, this page?

MR. CIMINI: No.

MR. CATALINOTTO: Okay.

Q. On the record, is that handwriting
regarding the statement of your medications in
your handwriting?

A. No.

Q. Did you recall as you sit here
today telling the investigator that you took
those medications in those dosage at those
times?

A. I don't remember what I told him.

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CAITLIN H. RAILO

I remember telling him what I was on and how often I take them.

MR. LaROSE: But not the time?

THE WITNESS: No.

Q. What about the Ambien? We haven't discussed Ambien before. That hasn't been mentioned at all.

A. No, because I was taken off of it.

Q. First of all, who prescribed you Ambien in the first place?

A. Dr. Galli. I wasn't taking it at that time, though.

Q. When did Dr. Galli prescribe Ambien for you?

A. What do you mean "when"? When did she start me on it?

Q. When?

A. Or when was I supposed to take it?

Q. When did Dr. Galli first prescribe you Ambien?

A. About five, six years ago.

Q. For what reason?

A. For sleep.

Q. And how long did you take Ambien?

1 CAITLIN H. RAILO

2 A. Maybe two, three years, when
3 needed, when I needed it.

4 Q. Is there any reason to believe that
5 what you told the investigator with respect to
6 you taking Ambien is not true at that time?

7 A. I don't know. It probably wasn't
8 because I wasn't on them at that time.

9 Q. Do you know why he would have put
10 that there then?

11 A. Probably because I had all my
12 medications on me because I think I had just
13 picked them up, picked one of them up in that
14 afternoon.

15 Q. Well, then you would have had to
16 have picked up an Ambien prescription, as well?

17 A. I'm not sure, I don't know, or if
18 he was just asking me which ones I was on, which
19 ones I've taken, I don't know. I'm not sure.

20 Q. Do you know for sure whether you
21 had taken Ambien as indicated by this statement
22 at that time?

23 A. No.

24 Q. You don't know for sure?

25 A. No.

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Q. Is it possible that you did take it?

A. Possible, yeah.

Q. Is it possible that you had taken it because you were in pain from the operation and you were having difficulty sleeping because of the pain?

MR. CATALINOTTO: Objection to the form. You can answer.

A. It's possible, but not likely.

Q. Do you remember earlier when I asked you whether you called in the bus company that morning to ask if you could have the day off?

A. Yes.

Q. Do you remember that line of questioning?

A. Yes.

Q. And I think that you told me that you told the girl, the secretary, that you wanted to take the day off because you were in pain and because you were having trouble sleeping?

A. Yeah.

1 CAITLIN H. RAILO

2 Q. You had trouble sleeping that
3 night?

4 MR. CATALINOTTO: Objection to the
5 form. You can answer.

6 A. But Ambien doesn't take pain away.
7 I would stay up because the pain and then just
8 be drowsy. There would be no sense in taking
9 it. I have to get up at 4:00.

10 Q. You indicate something about having
11 difficulty sleeping and you had trouble sleeping
12 that night before you wanted to take the day
13 off?

14 A. Yes.

15 Q. Okay. And do you know if you had
16 taken Ambien that day at any point to help you
17 sleep because you were --

18 A. Oh, no.

19 Q. -- having difficulty sleeping?

20 A. No.

21 Q. If you turn to Page 25, this is
22 another statement that is typed. This time Page
23 25 and 26, two-page statement. Second page, on
24 Page 26 is your signature. Do you see that?

25 A. Yes.

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CAITLIN H. RAILO

Q. And it looks like this statement was given on April 12th, 2013; right?

A. Yes.

Q. Do you remember giving a statement, this particular statement to the New York State police?

A. I don't, no.

Q. Why don't you take a second to look at it?

A. Yeah. See, this was a detective in Middletown. I don't -- okay, yes, I do.

Q. Okay. This looks like this was questions by an Investigator Tim Diamond.

MR. LaROSE: That's what it says, yes.

Q. You remember being questioned by an investigator named Timothy Diamond?

A. Yep.

Q. And did you read the questions and the answers?

Did you say yes?

A. Yes.

Q. Do you recall giving the answers that are indicated in this statement?

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A. No.

Q. I'll go through it.

The third question says, "Do you know why you are here today?" And the answer that's typed there is, "Unfortunately, yes, for the bus accident. I had dirty blood."

A. That was kind of a -- that's what he called it. I was kind of saying that back to him. That's what he told me.

Q. That's not a term that you used?

A. I have never said that before in my life, no.

Q. And the next question is, "Why was your blood test positive for morphine and Diazepam?"

A. Yeah. That's not the answer I gave to him.

Q. The answer that's here is, "I am prescribed Valium by Dr. Galli so that is why Diazepam came up." Is that an accurate statement?

A. Yes.

Q. Then the next sentence reads, "I ran out of Suboxone the two days before the

CAITLIN H. RAILO

1
2 accident." Is that an accurate statement?

3 A. No.

4 Q. Did you run out of Suboxone at any
5 point in time before the accident?

6 A. No. I stopped taking it.

7 Q. Okay. When did you stop taking
8 Suboxone?

9 A. You can't take a couple of days
10 before that because you can't take a Percocet
11 and a Suboxone together at all. It would make
12 you sick. It can kill you.

13 Q. So, a couple of days before the
14 accident you stopped taking Suboxone because you
15 were taking Percocet for the pain that you were
16 in from your surgery?

17 A. Yes.

18 Q. Is that the only reason why you
19 stopped taking Suboxone?

20 A. Yes.

21 Q. The next sentence says, "I did not
22 go to my doctor and get a refill and I was not
23 allowed to call out of work." Is any part of
24 that sentence accurate?

25 MR. LaROSE: Accurate or

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inaccurate?

MR. CIMINI: Either way.

MR. LaROSE: You said accurate.

Q. Is any part of that sentence
inaccurate?

MR. CATALINOTTO: Can we just read
that back?

MR. CIMINI: Sure. The sentence?

MR. CATALINOTTO: The question,
whatever the question was.

MR. CIMINI: Go ahead. I will read
the statement again.

MR. CATALINOTTO: Okay.

Q. "I did not go to my doctor and get
a refill and I was not allowed to call out of
work. I had to work."

A. It doesn't make any sense to me.

Q. What part of those statements are
not accurate?

A. I didn't go to my doctor for what,
a refill, about a refill for what?

Q. Well, the previous sentence said
that you ran out of Suboxone.

MR. LaROSE: She's already told you

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CAITLIN H. RAILO

that that's inaccurate. Okay? So, it's inaccurate that you did not go back to the doctor to get a refill, that's not correct, you didn't say that?

THE WITNESS: No.

MR. LaROSE: Okay.

A. I get them all at the same time. If I run out of one, I run out of all of them.

Q. And the reason why you didn't run out of Suboxone is because you didn't run out of Suboxone, you had Suboxone?

A. Yes.

Q. You weren't taking it because you were taking Percocet; is that right?

A. Yes. You can't take them both at the same time.

Q. What about the statement that says, "I was not allowed to call out of work. I had to work," is that an inaccurate statement?

A. I said I had to go to work. See, he messed all this up and the 200-milligram morphine pills.

Q. I didn't get there yet. We didn't get there yet.

1 CAITLIN H. RAILO

2 A. Okay.

3 Q. The answer that's typed here says,
4 part of it, anyway, says, "I was not allowed to
5 call out of work. I had to work." My question
6 to you, is that an accurate, truthful statement
7 that's attributable to you that you gave on
8 April 12th, 2013?

9 A. At that time, probably close to it,
10 yes.

11 Q. And isn't that consistent with what
12 you said earlier about you trying to call off
13 from work that morning and you were told that
14 there were no other drivers?

15 A. Yes.

16 MR. CATALINOTTO: Objection to the
17 form. You can answer.

18 Q. And when you said that you had to
19 work in that statement, why did you say that?

20 A. That's what I'm saying, I don't
21 know.

22 Q. Well, did you say you had to work
23 because there were no other drivers available
24 and that if you didn't go to work that it was
25 your understanding that you would be fired?

1 CAITLIN H. RAILO

2 MR. CATALINOTTO: Objection to the
3 form.

4 A. Yes.

5 Q. The next sentence says, "I took a
6 200-milligram morphine pill." It is -- can't
7 read that word.

8 A. Me either.

9 Q. But something -- it says
10 something --

11 MR. LaROSE: Word we can't read.

12 Q. -- a word we can't read and oblong
13 says "200" on one side. The pill is time
14 released." Is that an accurate statement?

15 A. No, that was the conversation that
16 he was having. I said that the reason -- that
17 the reason that there was morphine in my blood
18 test, in my test, I was talking to him. I said
19 morphine doesn't mean a pill. Morphine is a
20 derivative that's what's in the Percocet. It's
21 an opiate. That's what shows up when you take
22 any kind of opiate. It's morphine that shows
23 up.

24 Q. Okay.

25 A. So, I said it doesn't mean I took a

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CAITLIN H. RAILO

Morphine pill. It means that that's the Percocet in my system. That's just what it says in the blood test, Morphine. That's why I don't understand where this morphine pill came into play.

Q. After the accident that involved Justin Maher, they drew blood from you; correct?

A. Yes.

Q. And the blood test came back positive for Valium?

A. Yes.

Q. Correct. And for what else?

A. That's the two.

Q. What's the other one?

A. The Benzodiazapine which is the Valium and the morphine which is narcotics which is the Percocet.

Q. So, it's your understanding that the Morphine that was found in your blood after the accident is a direct result of the Percocet pills that you had taken?

A. Yes, that's what it is.

Q. Then the next question says, "When did you take the pill on February 13th, 2013?"

1 CAITLIN H. RAILO

2 And then the answer is "12:00 a.m., on the
3 14th," actually?

4 A. See, I didn't say that either.

5 Q. You didn't say that?

6 A. No.

7 Q. The next question is, did you feel
8 you should not have gone to work and drive the
9 school bus and the typed answer to that question
10 is, "I felt fine in the morning run and I just
11 felt tired in the afternoon run. The pill
12 combined with lack of sleep from the night
13 before caused" -- something I can't read -- "to
14 be more tired than normal."

15 A. That's the beginning of what I
16 said.

17 Q. Is that --

18 A. I mean...

19 Q. Do you believe that you said that
20 to Trooper Diamond or Investigator Diamond?

21 A. I didn't say anything about the
22 bill combined with the sleep. I just say, yeah,
23 I felt tired and as I got progressively tired
24 during the day, but that doesn't mean that I
25 can't work or be alert just because I'm a little

CAITLIN H. RAILO

tired.

Q. The next question says, "Do you regret driving the school bus that day?" And the answer is, "Yes." Do you remember him asking you that question and do you remember saying yes to that question?

A. Yes.

Q. And do you believe that to be a true statement?

A. Not because I couldn't drive, just because of what happened that day, yes, absolutely.

Q. The next question Trooper Diamond asked you, "If you could go back to the day of the accident, would you have taken the day off?" And the answer there is, "If I could, I would have. Under no circumstances can I call out because no one else can do my run." Did you give that answer to Trooper Diamond in response to that question?

A. I don't know. I don't really remember.

Q. Next question is, "Do you have a drug problem?" Your answer was, "No." Is that

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CAITLIN H. RAILO

right? Do you see the next question? "Do you have a drug problem?"

A. Yes.

Q. And the answer is no?

A. Yes.

Q. Do you believe that to be an accurate answer to that question?

A. To an extent. I mean, he just puts my one answer. I said more than that.

Q. Do you remember what you said --

A. Yes.

Q. -- more than that?

A. Yes.

Q. Tell me what you said.

A. I said, no, I don't currently have a drug problem, but I guess technically throughout my life I will always have a drug problem, but the Suboxone does keep me from doing drugs, it does. It's been six years.

Q. The next question is a general question, "Is there anything you would like to add?" And then I just want to go to the last two sentences of that answer, and it says, "I was tired and I wished they would have let me

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CAITLIN H. RAILO

call out. My boss told me I could not call out under any circumstances." Did you say those statements to Investigator Diamond on April 12th, 2013?

A. Yes.

Q. And do you believe those to be true statements?

A. At the time, yes.

Q. And when you say your boss told me I could not call out under any circumstances, who were you referring to specifically?

A. Yes, see, that's not my boss, that would have been the secretary, so I don't know why they keep saying my boss, why they keep saying that.

Q. Earlier didn't you say that Mr. Martucci who was your supervisor told you that you couldn't be late anymore, and if you were late, you were going to be fired?

MR. LaROSE: No. She said --

A. Yeah, but I don't know why they say that. It's like -- it almost makes it sound like if I call, I'm talking to him.

MR. CATALINOTTO: That's a

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CAITLIN H. RAILO

different question. Just note my objection. I mean, calling in late and what we're talking about here --

Q. You agree that the statement says, "My boss told me that I could not call out under any circumstances" And you said that you believe that was a true statement; correct?

MR. CATALINOTTO: Objection to the form. I don't believe she said that.

MR. LaROSE: She already said that the boss meant the secretary.

Q. So, it's your position --

A. They both did.

MR. LaROSE: Okay.

MR. CIMINI: Well, thank you for that clarification.

Q. So, both your boss or your supervisor, Mr. Martucci and the secretary, told you that you could not call out under any circumstances; is that accurate?

A. Yes. I could not be late.

MR. CATALINOTTO: Just go ahead.

Could you define what we mean by "call out," because that's where we're getting

1 CAITLIN H. RAILO

2 lost in translation. I think she
3 believes can't come in late and we're
4 talking about if you don't come in at
5 all. Please clarify that.

6 MR. CIMINI: I mean, it's pretty
7 obvious --

8 MR. CATALINOTTO: She keeps saying
9 I can't call out.

10 THE WITNESS: It's either/or.

11 MR. FOULKE: If you're going to get
12 fired --

13 MR. CATALINOTTO: I want to make
14 sure I clarify when I get my opportunity
15 to question, so...

16 MR. CIMINI: We'll go back to get
17 some clarification.

18 Q. The sentence that I was referring
19 to reads as follows: "I was tired and I wished
20 they would have let me call out." What did you
21 mean when you said, "I wished they would have
22 let me call out"? Did that mean take the day
23 off --

24 A. Yes.

25 Q. -- or come in late?

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CAITLIN H. RAILO

A. Take the day off.

Q. Next sentence, "My boss told me that I could not call out under any circumstances." Did you mean that your boss told you that you could not take the day off under any circumstances?

A. Yes.

Q. And when you say boss, you're referring to both Mr. Martucci and the secretary; correct?

A. Yes.

Q. Yes?

A. Yes.

Q. The next statement, and it's the last statement.

MR. CIMINI: Railo K.

(Whereupon, a Quality Bus incident/ accident report was marked as Railo Exhibit K for Identification as of this date.)

(Document submitted.)

Q. Are you reading Railo K?

A. Yes.

Q. Okay, good.

1 CAITLIN H. RAILO

2 A. Okay.

3 Q. This is a Quality Bus incident/
4 accident report regarding the February 14th,
5 2013 accident. Would you agree with that?

6 A. Yes.

7 Q. It's a two-page statement. Is the
8 entire statement in your handwriting?

9 A. Yes.

10 Q. Is there anything on this statement
11 that is not in your handwriting?

12 A. No.

13 Q. I can't tell when this statement
14 was made. I don't see any date on it. Can you
15 give me any indication as to when you made this
16 statement?

17 A. I have no idea. It only says the
18 date of the incident. I don't know when. I
19 don't know what date I wrote it.

20 Q. Okay. Do you know where you would
21 have made the statement?

22 A. I was at Quality Bus.

23 Q. Was it on the day of the accident?

24 A. No.

25 Q. Do you know how much longer after

1 CAITLIN H. RAILO

2 the accident it was?

3 A. I don't.

4 Q. Was anyone with you when you made
5 the statement?

6 A. No.

7 Q. Did anyone help you make this
8 statement?

9 A. No.

10 Q. Did anyone tell you what to write
11 in this statement?

12 A. No.

13 Q. Did anyone coach you on what you
14 should say or shouldn't say in this Quality Bus
15 incident/accident report?

16 A. No, just said write as much as you
17 can or as detailed as much as you can.

18 Q. Is there anything in the statement
19 that you wrote, this two-page statement, that
20 you believe is inaccurate?

21 A. Just little stuff. I mean, it
22 keeps saying, a lot of them keep saying that I
23 saw him when he was coming around that turn,
24 which I didn't. I couldn't tell who he was or
25 the kind of car it was until I got out. I don't

1 CAITLIN H. RAILO

2 remember hitting the brakes when he hit me.

3 Believe it or not, I really don't. I mean, I
4 remember hitting the brake when he hit me, not
5 before. I don't remember him saying anything to
6 me, and that's about it.

7 Q. Okay. At the time you made the
8 statement, you gave the statement, were you
9 still employed by Quality Bus?

10 A. I don't know.

11 Q. Is it possible that you could have
12 been terminated when this statement was given?

13 A. It's possible.

14 Q. You don't have any specific
15 recollection?

16 A. No.

17 Q. Do you recall ever having any
18 conversations with Justin Maher or his wife,
19 Angel Maher, after the accident?

20 A. No.

21 Q. Do you recall ever having any
22 exchanges with Justin Maher or Angel Maher via
23 Facebook?

24 A. Those two, no.

25 Q. You never had any conversation with

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CAITLIN H. RAILO

them through any form of social media --

A. No.

Q. -- as far as you know?

A. No.

Q. Okay. And you never had any
discussions with them in person?

A. No.

Q. Over the telephone?

A. Never met them. Never talked to
them.

MR. CIMINI: I think that's all I
have.

(Time noted - 3:30 p.m.)

oOo

Caitlin H. Railo

Sworn to before me this

_____ day of _____, 2015.

Notary Public

RAILO EXHIBITS
MARKED FOR IDENTIFICATION

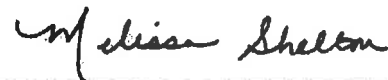
<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A	Copy of original birth certificate	23
B	Resume and letter dated July 30, 2012	34
C	Packet of arrest records	58
D	Record Expansion	48
E	Employment application	154
F	Medical examination report	159
G	Article 19-A Bus Driver Application	174
H	Carrier's Annual Review of Employee's Driver Record under Article 19-A	181
J	Thirty-five-page police report	227
K	Quality Bus Incident/ Accident Report	254

C E R T I F I C A T I O N

I, MELISSA SHELTON, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth, was either first duly sworn or affirmed through me, and that the transcript of said examination is a true record of the testimony given by the said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and am in no way interested in the outcome of this matter.



MELISSA SHELTON

Dated: March 6, 2015

ERRATA SHEET

RE: MAHER VS. RAILO & QUALITY
BUS SERVICE, LLC.

The following corrections, additions
or deletions were noted on the transcript of the
testimony which I gave in the above-captioned
matter.

<u>PAGE(S)</u>	<u>LINE(S)</u>	<u>SHOULD READ</u>	<u>REASON FOR CHANGE</u>
* _____	* _____	* _____	* _____
* _____	* _____	* _____	* _____
* _____	* _____	* _____	* _____
* _____	* _____	* _____	* _____
* _____	* _____	* _____	* _____
* _____	* _____	* _____	* _____
* _____	* _____	* _____	* _____
* _____	* _____	* _____	* _____

Caitlin H. Railo

Sworn to before me this
_____ day of _____, 2015.

Notary Public